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SEP 10 2007

#### REMARKS

The Examiner's comments and grounds of rejection raised in the Office Action dated March 9, 2007 have been carefully considered by the Applicant. Particularly, to further the prosecution of the present application, amendments have been carried out with regard to the pending set of claims, as presented herein above. The following remarks are submitted.

In item 3 of the Office Action the Examiner objects the word "Stickpack type" as being not clear. However, the Applicant respectfully traverses the Examiner's opinion, since he is of the opinion that a structure of "Stickpack type" is well known to the person skilled in the art and is clearly derivable from the description and drawings of the instant application. Moreover, said wording is widely used e.g. in the granted US patent n. 6,352,364 (see e.g. abstract, line 2, col. 1, lines 7, 10, 53, 57, etc.).

In item 4 of the Office Action, pending claims 1-5 and 8-12 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Hix et al. (US 4,139,643) in view of Mobs (US 6,352,364). Pending claims 1 to 5 have been withdrawn from the present application. Claim 8 has been limited with the feature of pending claim 9, i.e. *the first sealing band is folded and at least partially adheres longitudinally to an outer surface of said tubular body, and an adhesive layer is further provided at said first sealing band for providing adhesion thereof at said outer surface of the body* (as currently claimed in claim 8) while claim 9 has been accordingly deleted.

Hix et al. discloses an hermetically sealed pouch 10 provided with a line of weakness 26,28 extending completely around the pouch and a tear initiating cut 34 adjacent the line of weakness (see Hix, abstract, col. 2, lines 34-39 and paragraph bridging cols. 3 and 4, fig. 1).

Applicant points out that Hix et al. fails to disclose a packaging of the Stickpack type having sealed extension region protruding along a corresponding longitudinal edge of said tubular body and transverse preweakening incisions provided in longitudinal alignment with said sealed extension region, not extending completely around the pouch.

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### AMENDMENTS TO THE DRAWINGS

Please find herewith enclosed the Replacement drawing Sheet with amended figure 5. The Applicant has amended figure 5 since it was clearly incorrect. More in detail, the vertical lines 13 and 18 in the amended fig. 5 connect the horizontal lines 14 and 15 and have been slightly moved to the left side of figure 5 as in figs. 2 and 6.

In fact, figs. 2 and 6 show is a front view of a portion of the top and a front view of the packaging according to the invention during its opening and fig. 5 should be consistent with said figures. Moreover, the mutually opposite flaps 13 and the longitudinal edge 18 of the tubular body 11 extend from the bottom 14 to the top 15 of the packaging 10 (see e.g. description page 5, lines 3-13).

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Mobs discloses a tubular bag type packing in the form of a Stickpack formed of a sealable foil strip of at least one layer which is molded to form a tube provided with a longitudinal sealing joint extending between the side edges of the packing. The longitudinal sealing joint of Mobs is provided by an inside/outside sealing of mutually opposite longitudinal flaps. Moreover, one of the transverse sealing joints 3,4, toward the tube, is provided with a short expanded section 8 of the transverse joint and a tearing groove 11, obtained by forming a tear-open aid is provided at the level of the expansion 8 of the transverse joint on the inner foil edge 10 within the longitudinal joint 2 formed of the overlapping foil edges 9 (see e.g. Mobs, abstract, col. 3, lines 1-30 and fig. 1). Furthermore, a tearing aid 11' is provided at the expanded section 8 of the transverse sealing joint in registry with tearing aid 11 (see Mobs, col. 4, first paragraph and figs. 1 and 3).

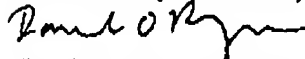
Applicant points out that Mobs fails to disclose a packaging of the Stickpack type having a first sealing band for longitudinal sealing of said body being of an inside/inside sealing type, transverse preweakening incisions provided in longitudinal alignment with said sealed extension region along at least one of said mutually opposite longitudinal flaps, a first sealing band is folded and at least partially adheres longitudinally to an outer surface of said tubular body, and an adhesive layer is further provided at said first sealing band for providing adhesion thereof at said outer surface of the body. The tearing grooves 11 and 11' of Mobs are obtained by cutting out a triangular portion of material.

It is noted that the prior art of record, either taken alone or in combination, does not teach or fairly suggest the invention as now claimed.

In view of the above amendments and remarks, Applicant respectfully believes that the present application is now in order for allowance, and a notice to this effect is respectfully requested.

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Respectfully submitted,



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